

**Case Conclusion Data Sheet**

Case #: 02-1999-0023

Date Entered: 10/28/02 *JA***A. Case and Facility Background**

- 1 Court or Administrative Docket or Index Number: Civil Action # 02-2886 (WHW)
- 2 Case Name: Acme Alloys, et al.
 - b. Additional Respondents/PRPs/Defendants: *X* Atkin's Waste Materials Inc.
 - X* Atlantic Battery Corp. aka Power Battery Co. Inc.
 - X* Grant Manufacturing & Alloying Inc.
 - X* H. Bixon and Sons Inc.
 - X* Liberty Scrap Metal Co.
 - X* Max Weinstein & Sons Inc.
 - Saab Metals Corp.
 - X* Superior Companies
 - United Holdings Co. Inc.
 - Wooster Iron & Metal Co. Inc.

Site/Facility Data

Facility Name: NL Industries, Inc. Superfund Site

Street Penns Grove-Pedricktown Road		
City Pedricktown	State NJ	Zip 08067

County: Salem

Program ID NO.: NJD061843249

FRS Number:

Facility 4-Digit SIC code(s):

Is this a Federal Facility? ☐ Yes ☒ No**Additional Sites:**

View: (SiteDocs)

Technical Contact: Joseph Gowers
Attorney: Damaris Cristiano

212-637-4413
212-637-3140

- 8 (c) ORC Branch: NJSUP
- 9 Statute(s)/Sections violated:
CERCLA/107A *and 1012/02 JA*
CFR Violation Citations:
NPL Site? ☒ Yes ☐ No
- 10 Action Type: Judicial consent decree or court order
- 11 (a) Date of Final Instrument: 08/19/2002
(b) Docket Result Code: CR

- 12 (a) Type Case: ~~12261A~~ CIV
(b) Violation Type(s):
- 13 Was this a MULTI-MEDIA action? ☐ Yes ☒ No
- 14 Was the Agency activity taken in response to Environmental Justice Concerns? ☐ Yes ☒ No
- 15 Was Alternative Dispute Resolution used in this action? ☐ Yes ☒ No

MOA Priority Activity

If this action was taken as part of the Region's FY2002/2003 MOA Priority Activity, please select all that apply. Also, please ensure that the appropriate SIC Code(s) and/or the Violation Type(s) have been indicated in the appropriate fields above.

B. Injunctive Relief and Other Compliance Activities

- 17 What action(s) did violator accomplish prior to receipt of settlement/order, or will violator take to return to compliance or meet additional requirements? Include actions completed prior to, and/or pursuant to, the final settlement/order and actions to be taken by violator to return to compliance or meet additional requirement. Where separate penalty and/or compliance orders are issued in connection with the same violation(s), report the following information for only one of those orders. Select all that apply from the following.

Actions That Result in Pollutant Reduction/Elimination		Actions That Result in Pollutant Identification	Actions That Do Not Result in Pollutant Reduction/Elimination
18 Cost (column 1)		Cost (columns 2 + 3)	
\$0.00		\$0.00	

C. Supplemental Environmental Project (SEP) Information

- 20 Categories of SEPS

Other Program-Specific SEP(s):

- 21 SEP Description:

- 22 Cost of SEP: \$0.00

- 23 Is Environmental Justice addressed by SEP? ☐ Yes ☐ No

24. Quantitative environmental impact of SEP pollutants and/or chemicals and/or waste-streams, and amount of reductions/eliminations (e.g., emissions/discharges).

Pollutant	Destination Media	Average Annual Amount	Units
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D. Penalty

25 Final Assessed Penalty (Not including value of any SEP)	
(a) Federal Amount	\$0.00
(b) State or Local share (if any)	\$0.00
Total:	\$0.00

E. CERCLA Cost Recovery

26 Amount of cost recovery awarded	
(a) Federal	\$257,712.11
(b) State and or Local Government	\$0.00
Total:	\$257,712.11

F. Narrative Case Summary

This second de minimis consent decree follows a previous de minimis consent decree and a consent decree signed by the major PRPs and is therefore part of a global settlement at the NL Industries Superfund Site although each consent decree was filed with its own separate complaint and has its own docket number. Under this second de minimis consent decree, eleven (11) parties have agreed to pay their allocated settlement amounts calculated according to their respective volumetric contributions to the NL Site in return for full releases at the NL Site. The total amount to be paid by the settling de minimis PRPs of \$257,712.11 will be paid into the NL Industries, Inc. Superfund Site De Minimis Special Account within the EPA Hazardous Substance Superfund to be retained and used to conduct or finance the response action currently being undertaken by the major PRPs at the NL Site. Each de minimis settling PRP will receive a covenant not to sue and contribution protection from EPA under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606, 9607, with no reopener for either. Several parties who demonstrated their participation towards response activities prior to the entry of this CD were credited for amounts previously paid.

add to settlement amount

G. Self Disclosure Information

27 (a) Disclosure under Audit Policy?	<input type="radio"/> Yes <input checked="" type="radio"/> No
28 Disclosure under EPA's Small Business Policy?	<input type="radio"/> Yes <input checked="" type="radio"/> No